SENATE BILL No. 208

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-3-7.5.

Synopsis: Filing date for amended property tax return. Provides that a taxpayer may file an amended property tax return not later than three years after the later of: (1) the filing date for the original personal property tax return; or (2) the extension date for the original personal property tax return, if the taxpayer is granted an extension.

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Effective: Upon passage.

Randolph

January 7, 2009, read first time and referred to Committee on Tax and Fiscal Policy.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

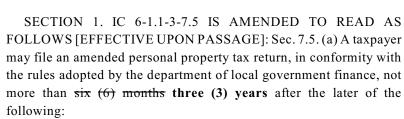
Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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SENATE BILL No. 208

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:



- (1) The filing date for the original personal property tax return, if the taxpayer is not granted an extension in which to file under section 7 of this chapter.
- (2) The extension date for the original personal property tax return, if the taxpayer is granted an extension under section 7 of this chapter.
- (b) A tax adjustment related to an amended personal property tax return shall be made in conformity with rules adopted under IC 4-22-2 by the department of local government finance.
- (c) If a taxpayer wishes to correct an error made by the taxpayer on the taxpayer's original personal property tax return, the taxpayer must



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1	file an amended personal property tax return under this section within
2	the time required by subsection (a). A taxpayer may claim on an
3	amended personal property tax return any adjustment or exemption that
4	would have been allowable under any statute or rule adopted by the
5	department of local government finance if the adjustment or exemption
6	had been claimed on the original personal property tax return.
7	(d) Notwithstanding any other provision, if:
8	(1) a taxpayer files an amended personal property tax return under
9	this section in order to correct an error made by the taxpayer on
10	the taxpayer's original personal property tax return; and
11	(2) the taxpayer is entitled to a refund of personal property taxes
12	paid by the taxpayer under the original personal property tax
13	return;
14	the taxpayer is not entitled to interest on the refund.
15	(e) If a taxpayer files an amended personal property tax return for
16	a year before July 16 of that year, the taxpayer shall pay taxes payable
17	in the immediately succeeding year based on the assessed value
18	reported on the amended return.
19	(f) If a taxpayer files an amended personal property tax return for a
20	year after July 15 of that year, the taxpayer shall pay taxes payable in
21	the immediately succeeding year based on the assessed value reported
22	on the taxpayer's original personal property tax return. A taxpayer that
23	paid taxes under this subsection is entitled to a credit in the amount of
24	taxes paid by the taxpayer on the remainder of:
25	(1) the assessed value reported on the taxpayer's original personal
26	property tax return; minus
27	(2) the finally determined assessed value that results from the
28	filing of the taxpayer's amended personal property tax return.
29	Except as provided in subsection (k), the county auditor shall apply the
30	credit against the taxpayer's property taxes on personal property
31	payable in the year that immediately succeeds the year in which the
32	taxes were paid.
33	(g) If the amount of the credit to which the taxpayer is entitled under
34	subsection (f) exceeds the amount of the taxpayer's property taxes on
35	personal property payable in the year that immediately succeeds the
36	year in which the taxes were paid, the county auditor shall apply the
37	amount of the excess credit against the taxpayer's property taxes on
38	personal property in the next succeeding year.
39	(h) Not later than December 31 of the year in which a credit is
40	applied under subsection (g), the county auditor shall refund to the

taxpayer the amount of any excess credit that remains after application

of the credit under subsection (g).



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1	(i) The taxpayer is not required to file an application for:	
2	(1) a credit under subsection (f) or (g); or	
3	(2) a refund under subsection (h).	
4	(j) Before August 1 of each year, the county auditor shall provide to	
5	each taxing unit in the county an estimate of the total amount of the	
6	credits under subsection (f) or (g) that will be applied against taxes	
7	imposed by the taxing unit that are payable in the immediately	
8	succeeding year.	
9	(k) A county auditor may refund a credit amount to a taxpayer	
10	before the time the credit would otherwise be applied against property	
11	tax payments under this section.	
12	SECTION 2. [EFFECTIVE UPON PASSAGE] (a) IC 6-1.1-3-7.5,	
13	as effective before the effective date of this SECTION, and not	
14	IC 6-1.1-3-7.5, as amended by this act, applies to the filing period	
15	for an amended personal property tax return for an original	
16	personal property tax return due before the effective date of this	
17	SECTION.	
18	(b) A rule of the department of local government finance is void	
19	to the extent that it conflicts with IC 6-1.1-3-7.5, as amended by	
20	this act.	
21	(c) This SECTION expires December 31, 2009.	
22	SECTION 3. An emergency is declared for this act.	
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